

RE: Wallace Yard and Spur Lines Site - Final CD and SOW 📎

Clifford Villa to: Wurtzler, Gail
Cc: craig.trueblood

08/11/2009 10:12 AM

Gail: Obviously, and unfortunately, Darrell and I didn't connect on this yesterday (my fault). It's EPA's reimbursement, and I believe we're still ok with your proposal, as incorporated in the CD I sent out yesterday.

Cliff Villa
Assistant Regional Counsel
U.S. EPA Region 10

"Wurtzler, Gail"

Darrell,

08/11/2009 09:47:44 AM



"Wurtzler, Gail"
<Gail.Wurtzler@dgslaw.com>
08/11/2009 09:51 AM

To <Darrell.Early@deq.idaho.gov>, Clifford
Villa/R10/USEPA/US@EPA
cc "Lawrence, Robert" <Robert.Lawrence@dgslaw.com>,
<craig.trueblood@klgates.com>,
<denise.lietz@klgates.com>,
<Sarah.Himmelhoch@usdoj.gov>
Subject RE: Wallace Yard and Spur Lines Site - Final CD and SOW

Darrell,

Earlier, the railroads had suggested that DEQ perform all of the Spur Line ROW work and be reimbursed. DEQ rejected that concept and wanted to limit its work and the reimbursement funding to residential yards. The railroads thus agreed to fund residential yard testing and cleanups only. In addition, the railroads, not DEQ, would perform work on the common use areas identified in the EE/CA. This is the reasoning for Comment # 3 and why the scenario you just described does not apply.

Gail Wurtzler
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-----Original Message-----

From: Darrell.Early@deq.idaho.gov [mailto:Darrell.Early@deq.idaho.gov]
Sent: Tuesday, August 11, 2009 10:29 AM
To: Wurtzler, Gail; Villa.Clifford@epamail.epa.gov
Cc: Lawrence, Robert; craig.trueblood@klgates.com;
denise.lietz@klgates.com; Sarah.Himmelhoch@usdoj.gov;
Nicholas.Zilka@deq.idaho.gov; Rob.Hanson@deq.idaho.gov
Subject: RE: Wallace Yard and Spur Lines Site - Final CD and SOW

Response to Comment # 3. The term "residential" should not be added as a limitation to the RR's obligations under paragraph 11. The reason the BPRP definition is not so limited is because the BPRP remediates any property that requires remediation for the type of use it is being put.

i.e. any potential for Human Health Exposure. Thus we remediate day cares, parks, and other properties that are not "residential." I cannot see why, if there is contamination associated with the ROW on a property that requires remediation under the BPRP (residential or not), it should not be funded by the RR's.

Darrell G. Early, Deputy Attorney General
Office of the Idaho Attorney General
Environmental Quality Section
1410 N. Hilton
Boise, ID 83706
(208) 373-0494
Darrell.Early@deq.idaho.gov

-----Original Message-----

From: Wurtzler, Gail [mailto:Gail.Wurtzler@dgsllaw.com]
Sent: Friday, August 07, 2009 10:06 AM
To: Villa.Clifford@epamail.epa.gov
Cc: Lawrence, Robert; craig.trueblood@klgates.com;
denise.lietz@klgates.com; Darrell Early; Sarah.Himmelhoch@usdoj.gov
Subject: Wallace Yard and Spur Lines Site - Final CD and SOW

Cliff,

Earlier this week, I looked at the final versions of the CD and SOW that you sent on July 31. I noted a few minor corrections:

1. SOW - The word "areas" was inadvertently dropped when the change in section 2.1.7.5 on page 8 was made. A PDF of page 8 showing this correction is attached.
2. CD - page 10 - the insert "of CERCLA" was put in the wrong place.
3. CD - page 13 - in light of your determination that the word "residential" should not be inserted in the definition of BPRP on page 3, paragraph L, we need to be clear that the BPRP work the railroads will fund is for residential yards. We should add the word "residential" on page 13 in paragraph 11 and 11.a as shown on the attached PDF of that page.
4. CD - page 26 - period needs to be added at the end of the first sentence in paragraph 48.

PDFs of these CD pages are attached.

Please call or email if you wish to discuss or if the PDFs with these comments/edits are not clear. Thank you.

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